GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt. Vanguru Vijaya Lakshmi, D/o Hanumantha Rao, SPSR Nellore District- against the proceedings Rc.No.C5(M)/262/2005, dated 24.12.2013 of the District Collector, SPSR Nellore- under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders - Issued.

SOCIAL WELFARE(TW.CV.2) DEPARTMENT

G.O.MS.No. 64 Dated: 17-05-2018
Read the following:

1. Proceedings of the District Collector, SPSR Nellore District, Rc.No.C5(M)/262/ 2005, dated 24.12.2013.
2. Appeal Petition filed by Smt. Vanguru Vijaya Lakshmi, D/o Hanumantha Rao, Occ:UDC in ERO, O/o APSPDCL,Nellore Division & Mandal, SPSR Nellore District before M(TW), No.78/M(TW)/2014, dt.15.02.2014.
3. The Order of the Hon'ble High Court of A.P., Hyderabad in W.P.No.11750 of 2014, dated 22.04.2014 filed by Smt.Vanguru Vijaya Lakshmi.
4. Govt. Memo No. 2467/CV.2/2014, dated 28.04.2014.
5. From the District Collector, SPSR Nellore, Lr.No.Rc.C5(M) 262/2005, dated 06.08.2015.
6. Govt. Memo No.2467/CV.2/2014, dated 29.04.2016, 28.06.2017 & 18.08.2017.
7. Xerox copies filed by the appellant though his Counsel before the Appellate Authority on 16.09.2017.

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ORDER:

In the reference 1st read above, the District Collector, SPSR Nellore has issued orders cancelling ST-Konda Kapu caste certificate obtained from the then Mandal Revenue Officer, Nellore in the year 1986 & 1994 by Smt. Vanguru Vijaya Lakshmi, D/o Hanumantha Rao.

2. In the reference 2nd read above, Smt. Vanguru Vijaya Lakshmi, D/o Hanumantha Rao, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, SPSR Nellore. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, SPSR Nellore in the reference 4th read above.

3. In the reference 3rd read above, Smt. Vanguru Vijaya Lakshmi, D/o Hanumantha Rao has filed W.P.No.11750/2014 before the Hon'ble High Court of A.P., Hyderabad against the proceedings of the District Collector, SPSR Nellore dated 24.12.2013. The Hon'ble High Court of A.P., Hyderabad while disposing the said WP on 22.04.2014 has directed the Government to consider the petitioner's appeal along with the application for stay expeditiously, in any case before 15.06.2014 and till then, the order impugned passed by the District Collector shall remain stayed.

4. In the reference 5th read above, the District Collector, SPSR Nellore has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Smt. Vanguru Vijaya Lakshmi, D/o Hanumantha Rao.

5. The said Appeal Petition has been posted for hearing on 14.05.2016, 15.07.2017 & finally on 16.09.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 6th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. In the reference 6th read above, the Counsel for the appellant have submitted Xerox copies in support of the ST-Konda Kapu community claim of the appellant, before the Appellate Authority on 16.09.2017.

6. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, SPSR Nellore and proceedings of the District Collector, SPSR Nellore dated 24.12.2013 the Appellate Authority is observed that :

I. The appellant in her grounds has stated that the District Collector, SPSR Nellore District failed to see that the School Certificate of father of the Appellant, wherein the community was recorded as Kondakapu and her caste was also recorded by School

[P.T.O]

and college Authorities as Kondakapu and there is no cloud over the caste of the Appellant and he has also failed to see that the certificate issued by the Tahsildar, Nellore way back in the year 1975 vide caste Certificate dated:15.3.1975.

II. The District Level Scrutiny Committee has observed that the appellant has claimed that her father belongs to ST-Kondakapu community, where he obtained ST-Kondakapu caste certificate by the then Tahsildar, Nellore on 1975. As verification of the records furnished by the appellant, the DLSC has opined that the then Mandal Revenue Officer, Nellore has issued caste certificate to the appellant's father in a routine manner but not thoroughly verified the anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies/method of burial of dead bodies of that particular tribe of the appellant, linguistic affinity, caste structure, social and cultural environments, earlier record of registration of birth & death etc., of the appellant . Further it is observed that before the DLSC, the appellant has not disclosed the details of her blood relatives , family members etc., which clearly established that the appellant is not in the fold of Kondakapu-ST community and she was not accepted by the tribal society. Further it is also observed that the appellant has not produced any relevant documents/material in support of her ST-Kondakapu community claim except her father's Service Register and her School certificates. Based on the DLSC findings, the District Collector, SPSR Nellore has cancelled the appellant's ST-Kondakapu caste certificate.

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The Appellate Authority is observed that during the course of hearing of the case that the appellant submitted her arguments as per her grounds in appeal petition and stated that the lower authority failed to observe that her father granted Konda Kapu(ST) certificate by the then Tahsildar, Nellore on 1975 as such she able to prove her case as she belongs to ST Konda Kapu community. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and she failed to produce any evidence to prove that she belongs to ST Community and moreover she failed to disclose her blood relatives, family members etc which establishes that she was not in fold of Konda Kapu and she was not accepted by the tribal society. It is further brought to the notice that the certificate earlier issued to the father of the appellant in a routine manner by the then Tahsildar, Nellore without proper verification and after conducting detailed and thorough enquiry into the caste status of the appellant the same was cancelled. That as per the act that the burden of proof lies on the appellant and it is the responsibility of the appellant to produce necessary evidence and documents to claim the same but in the present case, the appellant failed to discharge her burden. As seen from the record the lower authority passed the order after reasonable appreciating the evidence available on record as per law which deserves no interference. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the learned District Collector, SPSR Nellore District. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference.

7. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Smt. Vanguru Vijaya Lakshmi, D/o Hanumantha Rao, does not deserve any interference. Hence, Proceedings of the District Collector, SPSR Nellore issued vide Rc.No.C5(M)/262/2005, dated 24.12.2013, is hereby upheld and the Appeal Petition filed by Smt. Vanguru Vijaya Lakshmi, D/o Hanumantha Rao, is hereby dismissed and the Certificate issued by the then Mandal Revenue Officer, Nellore is deemed to be cancelled.

8. The District Collector, SPSR Nellore is directed to take necessary consequential action in the matter.

[Contd..on P.3]

9. The records (containing D Rc.No.C5(M)/262/2005, pages: CF: 1-265) received from the District Collector, SPSR Nellore through in the reference 5th read above, are returned herewith in original to the District Collector, SPSR Nellore and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, SPSR Nellore .(BY RPAD)
(with original records).

Smt. Vanguru Vijaya Lakshmi,
D/o Hanumantha Rao, Occ: UDC in ERO,
O/o APSPDCL, Nellore Division & Mandal,
SPSR Nellore District.

M/s. Peeta Raman, Advocate,
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The Superintending Engineer, Operation Circle,
APSPDCL, Vidyuth Bhavan, A.K. Nagar, Nellore- 524 004.

Copy to :
The Director, TCR& TI, AP, Amaravathi.
The PS to M(SWE & TWE).
The PS to Principal Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER